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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 09/955,671 | 09/19/2001 | Sail Katta Reddy | | 1247 |
| 7590 SAIL KATTA REDDY P.O. Box 551 URBANA, IL 61803 | | 01/19/2007 | EXAMINER CHAET, MARISSA W | |
| | | | ART UNIT 1722 | PAPER NUMBER |
| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
| 3 MONTHS | | 01/19/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/955,671 | REDDY, SAIL KATTA |
| | Examiner | Art Unit |
| | Marissa W. Chaet | 1722 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 December 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-7 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 9/19/01 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. ____.
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ . 5) Notice of Informal Patent Application
6) Other: ____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 1-7, an apparatus for providing a plurality of perforations in a dough layer prior to baking, in the reply filed on January 10, 2006 is acknowledged.

Claim Objections

1. Claims 1, 2, 4, and 6 are objected to because of the following informalities. Appropriate correction is required.
2. Regarding claim 1, there should only be one period located at the very end of the claim. All periods within the claim should be replaced with semicolons or commas.
3. Regarding claim 2, it does not further limit the structure of the invention. In addition, the word "wherein" is misspelled.
4. Regarding claim 4, it does not further limit the structure of the invention.
5. Regarding claim 6, the word "claim" is misspelled.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Turner (US 2,246,424).

8. Regarding claim 1, Turner teaches an apparatus comprising (1) a top portion having certain weight; (2) a top portion including an upper surface of the apparatus; (3) a top portion having a bottom surface; (4) a plurality of nail like objects supported by the bottom surface of the top portion; (5) a plurality of nail like objects arranged in a fixed pattern; and (6) handles being arranged in a fixed pattern. See Fig. 2, #1 (top portion with bottom surface), #9 (handles), #14 (nail like objects); col. 2, line 29 – col. 4, line 22.

9. Regarding claim 2, Turner teaches a top portion with weight to provide pressure on the nail like objects. See Fig. 2.

10. Regarding claim 3, Turner teaches a top portion with a bottom surfaces with a plurality of nail like objects arranged in a fixed pattern. See Fig. 2-5; col. 3, lines 21-38.

11. Regarding claim 4, Turner teaches an apparatus manually lowered directly onto the dough layer. See col. 3, lines 17-20; col. 3, line 67 – col. 4, line 22.

12. Regarding claim 5, Turner teaches nail like objects having narrow, pointed ends. See Fig. 2, #14; col. 3, lines 21-38.

13. Regarding claim 6, Turner teaches a plurality of nail like objects with pointed ends that are pointed downwards in the direction of gravity. See Fig. 2, #14.

14. Regarding claim 7, Turner teaches a pair handles that are attached to the circular rim of the top portion in a fixed pattern. See Fig. 2, #9; col. 3, lines 17-20; col. 3, line 67 – col. 4, line 22.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (US 5,405,627) in view of Leiby (US 3,234,895).

17. Regarding claim 1, Ito teaches an apparatus comprising (1) a top portion having certain weight; (2) a top portion including an upper surface of the apparatus; (3) a top portion having a bottom surface; (4) a plurality of nail like objects supported by the bottom surface of the top portion; and (5) a plurality of nail like objects arranged in a fixed pattern. See Fig. 5-10; col. 4, line 3 – col. 5, line 7. Ito does not teach handles. However, Leiby teaches handles being arranged in a fixed pattern. See Fig. 5, #74; col. 3, lines 44-50. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide handles, as suggested by Leiby, so that one can easily press the apparatus downward onto the dough.

18. Regarding claim 1, Ito teaches an apparatus comprising (1) a top portion having certain weight; (2) a top portion including an upper surface of the apparatus; (3) a top portion having a bottom surface; (4) a plurality of nail like objects supported by the bottom surface of the top portion; and (5) a plurality of nail like objects arranged in a fixed pattern. See Fig. 5-10; col. 4, line 3 – col. 5, line 7. Ito does not teach handles. However, Leiby teaches handles being arranged in a fixed pattern. See Fig. 3, #24; col. 2, lines 19-34. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide handles, as suggested by Leiby, so that one can easily press the apparatus downward onto the dough.

19. Regarding claim 2, Ito teaches a top portion with weight to provide pressure on the nail like objects. See Fig. 5.
20. Regarding claim 3, Ito teaches a top portion with a bottom surfaces with a plurality of nail like objects arranged in a fixed pattern. See Fig. 5; col. 4, lines 3-18.
21. Regarding claim 4, Ito teaches an apparatus manually lowered directly onto the dough layer. See col. 4, line 65 – col. 5, line 7.
22. Regarding claim 5, Ito teaches nail like objects having narrow, pointed ends. See Fig. 5; col. 4, lines 3-18.
23. Regarding claim 6, Ito teaches a plurality of nail like objects with pointed ends that are pointed downwards in the direction of gravity. See Fig. 5; col. 4, lines 3-18.
24. Regarding claim 7, Ito does not teach handles. However, Leiby teaches handles being arranged in a fixed pattern. See Fig. 5, #74; col. 3, lines 44-50. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide handles, as suggested by Leiby, so that one can easily press the apparatus downward onto the dough.
25. Regarding claim 7, Ito does not teach handles. However, Leiby teaches handles being arranged in a fixed pattern. See Fig. 3, #24; col. 2, lines 19-34. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide handles, as suggested by Leiby, so that one can easily press the apparatus downward onto the dough.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa W. Chaet whose telephone number is 571-272-8094. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWC
January 17, 2007


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300

1700

1/17/07